

Washington State Nursing Care Quality Assurance Commission Business Meeting

MINUTES—January 11, 2002

Creekside 3 at Centerpointe, Suite 200
20435^d 72nd Ave South
Kent, WA 98032

Commission Members present:

Joanna Boatman, RN, Chair
Becky Kerben, LPN, Co-Chair
Roberta Schott, LPN
Shirley Coleman Aikin, RN, MSN
Shannon Fitzgerald, RN, MSN
Rev. Ezra Kinlow, Public Member

Gail Kirk, PhD, Public Member
Frank Maziarski, CRNA, MS
Cheryl Payseno, RN, MPA
Sandra Weeks, LM, ARNP
Marlene Wells, LPN

Assistant Attorney General:

Marc Defreyn, Assistant Attorney General

Staff present:

Paula R. Meyer, RN, MSN, and Executive Director
Kris McLaughlin, Secretary
Peggiann Thornton, Secretary
Maura Egan, RN, PhD, Education Manager
Jeanne Giese, RN, MN, Nurse Discipline Manager

Karl Hoehn, Lead Staff Attorney
Chuck Cumiskey, RN, BSN, CRRN, Nurse Practice Mgr
Terry West, Health Administrator

AGENDA ITEM		DISCUSSION	DECISION	ACTION/FOLLOW UP
January 11, 2002				
1.	Opening —Joanna Boatman, Chair called the meeting to order at 9:00AM	<ul style="list-style-type: none"> Mutual State Recognition will be a topic at the July workshop. Joanna will meet with the Oregon board chair on this topic in February. Joanna attended a meeting with Paula and personnel from DSHS to discuss Nurse Delegation. Lorraine Overmeyer, a pro tem member, and previous public member, is ill. Rosemarie Newman, a pro tem member, previous LPN member, is recovering and ready to work with NPAP. Eric Schmidt, HPQA Health Law Judge, will be moving to the District 2 court of Appeals. 		

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		<ul style="list-style-type: none"> NPAP needs a pro tem member for curriculum review. Ellen Rosbach has been concentrating on this. Joanna asked for a pro tem member to be appointed based on workload. Paula will work on this with Sue Shoblom. 		
2.	Consent Agenda—ACTION Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.		The commission approved all consent agenda items with corrections.	
	a. November 9, 2001 minutes	Correction to the minutes should read under item 17; The commission assigned a task force consisting of: Shannon Fitzgerald, Roberta Schott, Cheryl Payseno and Marc Defreyn.		
	b. September 25, 2001 TriCouncil meeting	Paula Meyer gave a report on the progress from Oregon.		
	c. Long-Term Caregivers Curriculum Advisory Committee report			
	d. Report from National Council of State Boards of Nursing, Board of Directors meeting and Leadership Conference, Washington D.C., November 10–13, 2001—Paula Meyer			
	e. Other			
3.	Chair report—Joanna Boatman—DISCUSSION/ACTION			
	January 9, Board of Pharmacy meeting —Hospice organization's question: Can nurses act as agents of physicians?	The Board of Pharmacy moved that a nurse can act as an agent of a physician.		
4.	Executive Director report — Paula Meyer – DISCUSSION/ACTION			

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	a. State Budget report	The Governor has given direction to reduce the general funds budget by 15%. This will effect Department of Health but should not have an impact on the Nursing Professions, as they are not General Fund. If there are any impacts identified for licensing boards, Paula will work with the steering committee to determine if a meeting of NCQAC is needed.		
	b. NCLEX sites in Washington State: 5 sites will be built across the state. There are questions regarding the Wenatchee site.	Paula explained that there needs to be 5 test sites throughout the state. There are 2 in Seattle, 1 in Spokane and 1 in Tacoma. The Commission discussed having a test site in Yakima, Ellensburg or Wenatchee.	A motion was made and passed to move the Wenatchee site to Ellensburg.	
	c. Health Professions Quality Assurance draft policy on Felony and Misdemeanor convictions	The Howe report recommended a policy on felony of misdemeanor convictions be developed. The draft policy is not completed as of this date.		Put this item on the March agenda.
	d. Health Care Worker Shortage Work Group report	Oregon nurse leadership has developed a center to address the supply and demand. Debra Burton is Executive Director and there will be meetings in February and March. The funding came from grants. The minutes from this meeting are available in the commission office.		
	e. Other			
6.	National Council of State Boards of Nursing (NCSBN) reports— DISCUSSION/ACTION			
	a. Advance Practice Registered Nurses—Shannon Fitzgerald			Shannon will report in March on the Advanced Practice Registered Nurses.

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	b. 25 TH Anniversary planning advisory panel—Cheryl Payseno	Cheryl Payseno will be attending a meeting March 1 and 2 to plan the 25th Anniversary of NCSBN. The event will be held in August of 2003 in Arlington Virginia. It will be held in the Women's Military History museum. Fundraising opportunities are being looked at to fund the event. Cheryl completed the first draft of the fund raising plan.		
	c. Practice, Education, Regulation, Congruence Task Force (PERC)—Maura Egan	Maura Egan will attend a retreat February 2-4, 2002 in Tempe Arizona for PERC. Art Kliner will be the facilitator. All expenses for Maura to attend these meetings are being paid by NCSBN.		
	d. Disciplinary Advisory Committee—Paula Meyer	Paula Meyer reported on the disciplinary advisory committee. Investigator Summit to be held June 21–22 in Chicago. Jeanne Giese and an investigator will attend.		
7.		Rev. Ezra Kinlow reported on his attendance at the Citizen Advocacy Center in Philadelphia. He was the only representative from Washington State and there was also one public member from Oregon. The CAC discussed how the public member opinions are very valuable.		
		Ezra reported that the recommendation from Ontario is to increase public members on boards to 1/3 of the total. New York, Nevada and New Mexico have at least 1/3 of their members as public members. Michael Weave, a physician's Assistant from program regulations reported on heightened airline security measures to protect the public. Criteria for public members of boards was presented and Medical errors.		

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		Ezra thanked the commission for this opportunity. He said he found that his opinion is very valuable as a public member to better the quality of humanity.		
10:00 AM				
8.	Rules hearing—Shannon Fitzgerald and Chuck Cumiskey—ACTION <ul style="list-style-type: none"> Standards of conduct or practice for nurses, WAC 246-840-700; Functions of Registered Nurse (RN) and Licensed Practical Nurse (LPN) practice, WAC 246-840-705; Violations of standards of nursing conduct or practice, WAC 246-840-710. Repeal Standard/competencies, Purpose: To protect the public by requiring nurses to adhere to standards of competency and delineation of violations of the practice standards for nurses. 	<p>Joanna Boatman explained the process for the rules hearing. There is an opportunity for Questions and Answers prior to the hearing but during the hearing there will be no discussion on any testimony. A tape of the hearing is on file with the Nursing Commission office.</p> <p>Victoria Fletcher contributed to the format of the LPN and RN's side by side which makes it easier to distinguish roles.</p> <p>Comments were heard from:</p> <ul style="list-style-type: none"> Judy Maire, OSPI Gloria Hilsinger, RN, MN Edwina Dorsey, RN 	<p>10:00AM rules hearing</p> <p>A motion was made and seconded to make technical, grammatical changes as reviewed, line by line. Motion passed.</p> <p>A motion was made and passed that the rules be adopted as technically amended. Hearing ended at 11:17AM. The rules will be in effective in 31 days.</p>	
9.	Federal Rules regarding reimbursement of facilities for Certified Registered Nurse Anesthetist, Physician Supervision, and the Governor waiver issue—Frank Maziarski and Paula Meyer—DISCUSSION/ACTION <p>The commission will review the federal rules and discuss participation in the HPQA plan to develop a position on the issue of the governor's waiver for physician supervision.</p>	<p>Frank Maziarski reported that in 1968 Medicare was developed, part A and B. This is not a practice issues it is a billing issue.</p> <p>It was suggested to have a joint meeting with the Medical Commission to clarify the CRNA issues.</p> <p>Pam Lovinger, representative of the HPQA policy and constituents office suggested to have a joint meeting with the Medical Commission.</p>	<p>A motion was made and passed to designate NCQAC members as representatives at the February meeting with the Medical Quality Assurance Commission (MCQAC) meeting. The representatives will bring a report and recommendations to the March NCQAC meeting.</p> <p>The motion was amended and passed to empower the NCQAC chair and Frank Maziarski to appoint representatives of the NCQAC to attend to February meeting with MQCAC.</p>	Place CRNA supervision issue on March meeting agenda as an action item.

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10.	September 13, 2002 Nursing Care Quality Assurance Commission meeting location—Joanna Boatman—DISCUSSION/ACTION The September meeting has been determined to be held at various locations throughout the state. The Nursing Care Quality Assurance Commission will decide on the location of this year's meeting.		A motion was made to hold the September business meeting in either Moses Lake or the Tri Cities depending on costs.	Staff to cost out difference in 2 locations. Present at the March meeting for action.
11.	Students with food allergies—Paula Meyer—DISCUSSION/ACTON The Office of the Superintendent of Public Instruction has requested a member of the Nursing Care Quality Assurance Commission participate on a group that will develop guidelines for students with food allergies. The Nursing Care Quality Assurance Commission will discuss options and it's role in school health issues.	Shannon Fitzgerald can attend ½ day in the morning and Roberta Schott volunteered to attend the full day.	A motion was made and passed that Roberta Schott and Shannon Fitzgerald will attend the meeting on January 15 at the Westcoast Seatac from 9:00AM-3:00PM.	
12.	Legislative Task Force report—Paula Meyer—DISCUSSION/ACTION The Nursing Care Quality Assurance Commission will review issue papers of topics that may be introduced in the 2002 Legislative Session. The NCQAC will take positions on these topics and assign members that can be available in case testimony is requested on any of these topics.	There was discussion on volunteers to represent the commission at hearings. Gail Kirk would like to be notified of all issues. Paula Meyer and Shannon Fitzgerald would be interested in School Health issues. Members of the NCQAC will be chosen to be primary contacts for legislative actions based on their expertise.		
13.	Role of non-voting licensed midwife commission member—Cheryl Payseno—DISCUSSION/ACTION This committee has reviewed the legislative history and intent. The committee will present recommendations for actions for this role.	No report at this meeting.		Place on March agenda.

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14.	Strategic Plan Update—Group—DISCUSSION/ACTION Additions were made at the September 14, 2001 meeting. The commission will act on these additions. Groups that have responsibilities on the plan will present status reports.	The subcommittees need to get their information to Cheryl.		Add to March agenda.
15.	March 2002 Workshop—Paula Meyer—DISCUSSION/ACTION The College of Graduate of Foreign Nurses (CGFNS) was identified as a topic for discussion at the November 2001 meeting at the March 2002 workshop. The commission will decide if they would like a representative from CGFNS to present at their workshop.	NCSBN supports licensing foreign trained nurses in the United States but does not support expedited licenses. The nursing Commission recognizes the shortage of nurses but also wants to protect the public.	A decision was made to invite a speaker to the March workshop from CGFNS if there are minimal costs otherwise the Education Subcommittee members can do training at the March meeting.	
16.	Executive Session if needed	The NCQAC with their AAG entered executive session related to potential litigation at 11:17AM for approximately 30 minutes. The executive session ended at 11:45AM.		
17.	Categories of Advanced Registered Nurse Practitioner (ARNP) have changed. The Commission will decide on refinement of the rules—ACTION		A motion was made and passed that the Nursing Commission adopt a policy to allow continued licensure for ARNP's in these categories who meet criteria for relicensure as listed in WAC: 246-840-360 and to proceed with an exception rule process to formalize this policy.	
	WORKING LUNCH—VIDEO—Frank Maziarski—DISCUSSION	Celebrating 100 years—US Army Nurse Corps and the American Association of Nurse Anesthetists, 1901-2001		
	1:00PM Open Mike			
	Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.	Those present to speak at open mike: <ul style="list-style-type: none"> C.J. Welter, Association of Operating Room Nurses (AORN) 	The practice subcommittee has been assigned this issue; circulating RN in operating room. A meeting with the Medical Commission will be held in February.	

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		<ul style="list-style-type: none"> • Bob Baxter, President elect Washington State Council on Perioperative Nurses (WSCP) • Dan Simonsen, Washington Association Nurse Anesthetists (WANA) • Kate Jansky, WANA • Gail McGaffick, WANA 		
18.	Practice Subcommittee report— Shannon Fitzgerald— DISCUSSION/ACTION			
	a. Advisory Opinion request from November 9, 2001 (Aging and Adult Services, DSHS) regarding LPNs for filling medication organizers in community based long-term care.			
	1. Advisory group: membership and purpose— DISCUSSION/ACTION		A decision was made to hold 3 conference calls meeting to review this issue. The task force will consist of members from the Pharmacy Board, DSHS and will look at the old advisory opinion from 1991.	
	2. Timetable of meetings (January—March)			
	3. Goal: Recommendations for a position statement or possible rules change at the April Commission meeting			
	b. Laser Procedures		A motion was made and passed to rescind the advisory opinion from September 8, 2000.	
	1. Overview of Department of Health staff workgroup status			

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	2. Reconsideration of the current NCQAC position statement on the use of lasers. DISCUSSION/ACTION			
	c. Update on Office Based Surgery workgroup—Frank and Chuck	There have been 4 meetings that have been held and a document outlining criteria for safe practice has been developed. Chuck and Frank will meet with Paula to complete a process format similar to that used in 2001 with the ARNP Prescriptive Authority Rules. The goal is to move this document into rules. The overlapping scopes of practice process will be utilized as well.	Next meeting have criteria for safe practice.	
	d. Circulating Nurse in the Operating Room			
	1. Legal background information from Marc Defreyne, AAG regarding information gathered from other states			
	2. Shall the Commission study this issue further in order to take possible action? DISCUSSION/ACTION	Frank Maziarski and Shirley Aikin, plus Becky Davis, Troy Hutson, CJ Welter, Susan Kelly, Susan Turner are members of the task force addressing this issue. There will be 3 meetings and 1 conference call held. Marc Defreyne is researching accuracy of a document sent to him regarding various state's laws on this topic. Cheryl Payseno will also become a member of this workgroup. The group will define surgical setting. Statutory authority to adopt rules on this issue must be researched. One meeting will be held and then present questions to Marc Defreyne.		
	e. First draft of NCQAC "Guide to Nursing Practice", practice committee section— DISCUSSION	Suggestion to add frequently asked questions to the web page. Use of "Curtin Calls" as an instructional document. Add a position statement to the web.		

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	f. Joint Education and Practice Sub-Committee Meetings			
	1. Discuss holding two meetings a year preferably the night before regularly scheduled Commission meetings— DISCUSSION	The next meeting will be held from 4:00PM–7:00PM May 9 in Spokane and will look at education issues. A second joint meeting before the November 2002 meeting was discussed.		
	2. Process for tracking issues of interest to both committees— DISCUSSION			
	g. Possible legislative action regarding glucagon update— DISCUSSION	This bill was just sent for review. Shannon Fitzgerald is the legislative contact for this issue.		
	h. Position statement on registered and licensed practical nurses and working with assistive personnel—Chuck to present draft for review— DISCUSSION	The position statement is not ready at this time. It will be sent to the Commission members when added to the web page.		
	i. Nursing Care Quality Assurance Commission staff and Commission members' "script" for responding to nursing practice questions and review of advisory opinion request process		The script will be sent to the commission members, staff and pro tem members.	Add to March agenda.
	j. Other	A question on acupuncture for alcohol addiction came to the practice committee. No advisory opinion form has been submitted at this time.		
19.	Education Subcommittee report— Shirley Coleman Aikin— DISCUSSION/ACTION			
	a. Continuing Competency— DISCUSSION/ACTION Report on strategic plan efforts: proposed survey		A motion was made to support the implementation of nurse workforce competency survey. Motion failed	

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			A motion was made and passed that the Practice and Education Subcommittees explore ways to evaluate and gather data about workforce competency and collaborate with other workforce organizations.	
	b. CR101 Education WACs— DISCUSSION/ACTION <ul style="list-style-type: none"> Timeline for CR102 Report to Nursing Commission and CNEWS 	Draft language will be ready for the March NCQAC meeting. The April CNEWS meeting for input and also a public meeting in Western Washington in March and Eastern Washington in April. 44 out of 60 jurisdictions have a minimum pass rate in rule for schools.	A motion was made to have a minimum pass rate in the WACs. Motion failed. Motion made and passed to amend the motion to support the concept of developing a NCLEX minimum pass rate for school graduates. A second amendment was made and passed to include this issue as part of the information gathering process to be added at the next public rules hearing. An amendment to the motion was made and passed that the Nursing Commission is in support of the concept of developing a NCLEX minimum pass rate for school graduates included as part of the data gathering process to be added as public input to the rules hearing.	Amend the interested party mailing list to include all interested persons up to date. Maura Egan will work with Terry West to add names.
	c. Nursing Technician— DISCUSSION/ACTION		It was recommended by the commission to move forward to repeal the nurse tech rules and proceed to CR102 level.	
	d. Foreign-trained nurse— DISCUSSION/ACTION <ul style="list-style-type: none"> Initial licensure and endorsement Meeting of task force 	It was reported that they are making progress at working on the CR101 to review the rules for barriers.		

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	e. Nursing Program Approval Panel (NPAP) policy— DISCUSSION/ACTION Revisions to DRAFT, incorporating public disclosure and compliance	Discussion to add clients and public disclosure after sections V, (E) and VI, (E).	A motion was made and passed to accept the NPAP policy as revised.	
	f. Report on NCSBN Educators' Network conference call, December 13, 2001 and January 10, 2002— DISCUSSION/ACTION	The conference calls being held once a month to talk about various issues impacting education across the states. Varying education, varying incongruence, pass rate as an issue, CGFNS as an issue. Some state has schools that do not pass 4 times for approval.	A motion was made and passed to appoint a pro tem member on an as needed basis to help review on curriculums for NPAP.	Paula will review pro tem assignments and seek pro tem appointment from the Secretary of Health based on workload issues.
	g. Other			
20.	Discipline Subcommittee report— Karl Hoehn/Cheryl Payseno— DISCUSSION/ACTION			
	Compliance process report	Cheryl Payseno reviewed the process for system with Adena Nolet, compliance officer. 212 licensees are being monitored. Cheryl gave a very positive report on the system. The subcommittee will work on standard orders to assist the compliance process. Cheryl requested information from NCQAC or categories of infractions and orders. At the last meeting it was discussed that an investigator participate in the National investigator training for TERCAP with the NCSBN. A policy addressing felony and misdemeanor conviction information on criminal background checks is being developed by HPQA. Linda Patterson will be attending in Chicago on February 6.	Invite Linda Patterson to come to the March commission meeting and give an update on the data collection project following the training. Paula Meyer, Jeanne Giese and Karl Hoehn will get a draft to the subcommittee to present to the commission in March.	March agenda: policy on felony and misdemeanor convictions.
	Other	The commission approved evaluation lists: Jeanne Giese is working on the criteria for selection, evaluators used by other boards and commissions, and functional elements necessary.		

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21.	Other/FYI			
22.	Closing	The Nursing Commission meeting adjourned 4:40PM on January 11, 2002 by Chair Joanna Boatman		

Approved on March 8, 2002, as attested by Joanna Boatman, Nursing Commission Chair

The minutes were recorded by Kris McLaughlin _____